

REMARKS

A. Status of Claims

On August 10, 2007, the Board of Patent Appeals and Interferences and decided that the rejections of claims 1-21 under 35 U.S.C. § 112, first paragraph, claim 22 under 35 U.S.C. § 102(e) and claims 9-12 and 23 under 35 U.S.C. § 103(a) would not be sustained. The rejection of claims 1-8 and 13-21 under 35 U.S.C. § 103(a) was sustained.

B. Claims 1-8 and 13-21

Claims 1-8 and 13-21 are being canceled in the present amendment. Applicants reserve the right to present claims 1-8 and 13-21 in amended form in a continuation application.

Since claims 1-8 and 13-21 are being canceled solely to have claims 9-12 and 22-23 granted expeditiously in a patent and to amend the claims in a continuation application, the cancellation of the claims is not being made for reasons related to patentability as defined in *Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 234 F.3d 558, 56 USPQ2d 1865 (Fed. Cir. 2000) (*en banc*), *overruled in part*, 535 U.S. 722 (2002).

C. Claims 9-12 and 22-23

As mentioned above in Section A, all of the rejections of claims 9-12, 22 and 23 were not sustained by the Board of Patent Appeals and Interferences. Since claims 9-12 have been amended to be in independent form, claims 9-12, 22 and 23 should be allowed.

As mentioned above, claims 9-12 have been amended to be in independent form. To the extent the amendments incorporate subject matter that was inherently present in the previous version of the claim, the amendments are not being made for reasons related to patentability. *See, Festo Corporation v. Shoketsu Kinzoku Kogyo Kabushiki Co., Ltd*, 535 U.S. 722 (2002).

Appl. No. 10/943,964

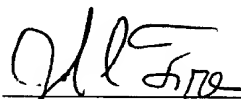
Amdt. dated October 10, 2007

Reply to Decision of Board of Patent Appeals and Interferences of August 10, 2007

CONCLUSION

In view of the arguments above, Applicants respectfully submit that all of the pending claims 9-12 and 22-23 are in condition for allowance and seek an early allowance thereof. If for any reason, the Examiner is unable to allow the application in the next Office Action and believes that an interview would be helpful to resolve any remaining issues, he is respectfully requested to contact the undersigned attorneys at (312) 321-4200.

Respectfully submitted,



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